

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

BARBARA D. HENNIGAN	:	DOCKET NO. 06-0553
VS.	:	JUDGE TRIMBLE
JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY	:	MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Presently before the court is Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA) [doc. # 13]. This matter has been referred to the undersigned magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

By judgment dated July 18, 2007, this matter was reversed and remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g). Thus, the Plaintiff qualifies as a prevailing party. The Plaintiff's attorney seeks fees of \$ 4,656.25 (37.25 hours at \$125/hour)¹ plus expenses of \$14.64 pursuant to 28 U.S.C. §§ 2412(a)(1) and (2). The government has indicated that it has no objection to the fees and expenses requested in the Plaintiff's motion. E-mail from Brian C. Linden, Assistant Regional Counsel, Social Security Administration, Office of the General

¹ Attorney's motion seeks \$4,525 for 37 hours (a mathematical error as 37 hours at \$125/hour equals \$4,625), however the itemized bill shows a total of 37.25 hours. The fee has therefore been amended upward to \$4,656.25, to reflect the total hours in the itemized bill, with approval of Brian C. Linden, Assistant Regional Counsel, Social Security Administration, Office of the General Counsel. Telephone interview with Kim Bray, Legal Assistant to Assistant United States Attorney John Broadwell, in Lake Charles, Louisiana (August 7, 2007).

Counsel, to Kim Bray, Legal Assistant to Assistant United States Attorney John Broadwell
(August 6, 2007, 02:56 CST).

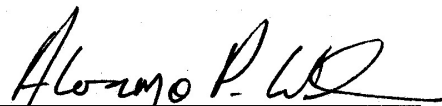
Considering the government's agreement as to the amount of the fees, and after review of the record, the undersigned concludes that the number of hours claimed is reasonable.

Accordingly, it is RECOMMENDED that Plaintiff's application for attorney's fees be granted and that attorney's fees be fixed at \$ 4,656.25 (37.25 hours at \$125/hour), and that in addition to the attorney's fees, the attorney be reimbursed \$14.64 for expenses.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on August 7, 2007.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE